

# **CORRECTED 11/16/00 np**

**REGULAR CITY COUNCIL MEETING  
FRISCO MUNICIPAL COMPLEX  
8750 MCKINNEY ROAD  
COUNCIL CHAMBERS  
FRISCO, TEXAS 75034  
OCTOBER 17, 2000  
6:30 P.M.**

## **MINUTES**

### **1. Call to Order/Roll Call.**

Mayor Seei called the meeting to order at 6:30 p.m. and announced a quorum was present.

Those present: Mayor Seei, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Downey, Council member Nichols, Council member Maso, Council member Osuna and Council member Simpson.

Staff present: George Purefoy, City Manager, Jason Gray, Assistant to the City Manager, John Lettelleir, Director of Planning, Richard Abernathy, City Attorney, Glen Hughes, Engineer, Teresa Filgo, Assistant City Secretary (left at 9:30 p.m.) and Nan Parker, City Secretary.

### **2. Invocation.**

Mayor Seei offered the invocation.

### **3. Pledge of Allegiance.**

Deputy Mayor Pro-Tem Downey led the audience in the Pledge of Allegiance.

### **4. Proclamation honoring Red Ribbon Week.**

Mayor Seei presented a Proclamation honoring Red Ribbon Week to counselors Gail West and Judy Smith.

### **5. Citizen Input.**

Baxter Brinkmann was present to address the Council and invite them for a tour along the tree line of the proposed Eldorado Parkway.

Discussion only, no formal action was taken.

## **6. Reports.**

- A. Council report on "City Celebrations" for municipal projects successfully completed.

The Council discussed municipal projects successfully completed including the following:

1. The Texas Chapter of the American Planning Association awarded the Best Comprehensive Plan of 2000. John Lettelleir, Director of Planning updated the Council on the November 2 and 3, 2000 Awards Luncheon.
2. Increase of monthly sales tax revenues.
3. Participation of the City Council in the "Gary Burns Fun Run".
4. 2012 Olympics Update by Council member Osuna.
5. Council member Maso congratulated Development Services on their one year anniversary.

- B. City Manager's report on items discussed on Agenda Item No. 40 at City Council Meeting of October 3, 2000.

No discussion.

- C. Capital Improvement Projects report.

No discussion.

## **7. Consent Agenda**

The consent agenda was considered for approval. Kirk Williams, representing Baxter Brinkmann, requested council pull items K-S for separate discussion. Council member Osuna moved to pull items K – S for separate discussion. Council member Maso seconded the motion. Motion carried. Vote: 6-0.

Council member Simpson moved to approve the Consent Agenda as follows, excluding Items K-S. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

- A. Consider and act upon approval of the Minutes of the Regular City Council Meeting held on October 3, 2000.
- B. Adoption of **Ordinance No. 00-10-15** annexing 28.811 acres situated in the J. Zumwalt Survey, Abstract No. 1453, Denton County, Texas into the City of Frisco, Texas. Case A2000-06.
- C. Approval of Waiver of P & I on 1999 Tax Account #R3388-00D-0210-1.
- D. **Resolution No. 00-10-16R** approving Supplemental Tax Roll #11 for 1999.
- E. **Resolution No. 00-10-17R** approving Supplemental Tax Roll #1 for 2000.
- F. Approval of Pay Request No. 3 for Warren Sports Complex, Phase III to Dean Construction, Inc. in the amount \$262,390.00.

- G. Approval of Pay Request No. 3 for Clark Middle School Park Improvements to Jim Bowman Construction, Inc. in the amount of \$37,410.30.
- H. Approval to pay Invoice No. 1127785 for Professional Services for Warren Sports Complex Phase IV to Carter and Burgess in the amount of \$57,067.95.
- I. Approval to pay Invoice No. 1127786 for Professional Services for Warren Sports Complex Phase III to Carter and Burgess in the amount of \$1,389.33.
- J. Approval to pay Invoice No. 1127785 for Professional Services for Needs Assessment Survey to National Service Research in the amount of \$14,250.00.
- T. Approval to purchase (1) 2001 Model, 1/2 Ton, Extended Cab, Bi-Fueled Pickup through H.G.A.C. for the Water Department for \$23,996.90.
- U. Approval to purchase (2) 2001 Model, F-150, Bi-Fuel L.P.G. Pickups through H.G.A.C. for the Street Department for a total of \$42,285.92.
- V. Approval to purchase (4) 2001 Model, One Ton Crew Cab Trucks through H.G.A.C. for the Water/Wastewater Department for a total of \$113,365.13.
- W. Final Acceptance of the Paving, Drainage and Utilities/Project #182, Trails of West Frisco, Phase 3.
- X. Consider and act upon the Final Acceptance of the Paving, Drainage and Utilities/Project #183, Northridge Addition, Phase 1.
- Y. Approval of Pay Estimate No. 3 for Traffic Signal Installation, SH 289 @ SH 121, to Roadway Solutions, Inc. in the amount of \$18,852.52.
- Z. Approval of Pay Estimate No. 6 for Traffic Signal Installations, Four Intersections, Dallas Pkwy. & Stonebrook, etc to Roadway Solutions, Inc. in the amount of \$87,105.50.
- AA. Approval of Pay Estimate No. 1 for Traffic Signal Installation, One Intersection, FM/720/Dallas Pkwy. to Roadway Solutions, Inc. in the amount \$31,991.25.
- BB. Approval of Pay Estimate No. 6 for Traffic Signal Installation, Four Intersections, SH 289 @ Gaylord Pkwy. etc. to Roadway Solutions, Inc. in the amount of \$11,470.16.
- CC. Approval of Pay Estimate No. 3 for City Hall Parking Lot to Texas Dirt Contractors in the amount of \$75,554.69.
- DD. Approval of Pay Estimate No. 6 for S.H. 121 Water Main to Blue Ridge Construction, Ltd. in the amount of \$12,699.07.
- EE. Approval of Pay Estimate No. 7 for S.H. 121 Water Main to Blue Ridge Construction, Ltd. in the amount of \$63,935.97.
- FF. Approval of Pay Estimate No. 4 for First Street, North County Road & FISD Facility Expansion to Mario Sinacola & Sons in the amount of \$109,538.25.
- GG. Approval of Pay Estimate No. 11 for Lebanon Road/Parkwood Blvd. to Mario Sinacola & Sons in the amount of \$155,555.73.
- HH. Approval of Pay Estimate No. 3 for Stewart Creek Bridge, Lebanon Road to J-N Constructions Co., Inc. in the amount of \$162,212.50.
- II. Approval of Pay Estimate 11/Final for 2.0 MG Parkwood Blvd. Elevated Water Storage Tank to Landmark Structures, Inc. in the amount of \$89,065.00.
- JJ. **Resolution No. 00-10-14R** approving an Interlocal Agreement by and between the Frisco Housing Authority and the Denton Housing

- KK. Approval of Change Order No. 1 for First Street & North County Road (Cottonwood Creek Channel Improvements) in the amount of \$58,500.00.

*End of Consent Agenda, excluding Items K-S*

- K. Consider and act upon declaring a necessity and public convenience for the taking, by acquisition or condemnation of 4.215 acres for a slope easement for a road and other purposes, including improvements, located in the George Wilcox Survey, Abstract No. 159, J.W. Cox Survey, Abstract 159, Clayton Rogers Survey, which property is owned by J. Baxter Brinkmann and Heritage Land Bank, FLCA d/b/a Farm Credit Bank of Texas.
- L. Consider and act upon declaring a necessity and public convenience for the taking, by acquisition or condemnation of 6.94 acres for a temporary construction easement for a one year period or until proposed sanitary sewer installation is completed, located in the William Rogers Survey, Abstract No. 780, in the J.T. Horn Survey, Abstract No. 418 and in the H. Moss Survey, Abstract No. 635, City of Frisco, Collin County, Texas, which property is owned by Frisco Town Center Properties, L.P. and Heritage Land Bank d/b/a Farm Credit Bank of Texas and authorizing the law firm of Abernathy, Roeder, Boyd & Joplin, P.C. to do all things to effectuate the acquisition or condemnation.
- M. Consider and act upon declaring a necessity and public convenience for the taking, by acquisition or condemnation of 1.4061 94 acres for a temporary construction easement for a one year period or until proposed sanitary sewer installation is completed, located in the B.L. Rogers Survey, Abstract No. 754, City of Frisco, Collin County, Texas, which property is owned by Frisco Town Center Properties, L.P. and Heritage Land Bank d/b/a Farm Credit Bank of Texas and authorizing the law firm of Abernathy, Roeder, Boyd & Joplin, P.C. to do all things to effectuate the acquisition or condemnation.
- N. Consider and act upon declaring a necessity and public convenience for the taking, by acquisition or condemnation of 1.919 acres for a slope easement for a road and other purposes, including improvements, located in the J.W. Cox Survey, Abstract No. 159, Collin County, Texas, which property is owned by J. Baxter Brinkmann and Heritage Land Bank, FLCA d/b/a Farm Credit Bank of Texas and authorizing the law firm of Abernathy, Roeder, Boyd & Joplin, P.C. to do all things to effectuate the acquisition or condemnation.
- O. Consider and act upon declaring a necessity and public convenience for the taking, by acquisition or condemnation of 3.106 acres for a road and other purposes, including improvements, located in the J.W. Cox Survey, Abstract No. 159, Collin County, Texas, which property is owned by J. Baxter Brinkmann and Heritage Land Bank, FLCA d/b/a Farm Credit Bank of Texas and authorizing the law firm of Abernathy, Roeder, Boyd & Joplin, P.C. to do all things to effectuate the acquisition or condemnation and authorizing the law firm of Abernathy, Roeder,

Boyd & Joplin, P.C. to do all things to effectuate the acquisition or condemnation.

- P. Consider and act upon declaring a necessity and public convenience for the taking, by acquisition or condemnation of 4.325 acres for a road and other purposes, including improvements, located in the J.W. Cox Survey, Abstract No. 159, George Wilcox Survey, Abstract No. 973, Clayton Rogers Survey, Abstract No. 1084, Collin County, Texas, which property is owned by J. Baxter Brinkmann and Heritage Land Bank, FLCA d/b/a Farm Credit Bank of Texas and authorizing the law firm of Abernathy, Roeder, Boyd & Joplin, P.C. to do all things to effectuate the acquisition or condemnation.
- Q. Consider and act upon declaring a necessity and public convenience for the taking, by acquisition or condemnation of 1.435 acres for a slope easement for a road and other purposes, including improvements, located in the George Wilcox Survey, Abstract No. 973, Collin County, Texas, which property is owned by J. Baxter Brinkmann and Heritage Land Bank, FLCA d/b/a Farm Credit Bank of Texas and authorizing the law firm of Abernathy, Roeder, Boyd & Joplin, P.C. to do all things to effectuate the acquisition or condemnation.
- R. Consider and act upon declaring a necessity and public convenience for the taking, by acquisition or condemnation of 0.8035 acres for a permanent easement located in the B.L. Rogers Survey, Abstract No. 754, City of Frisco, Collin County, Texas and authorizing the law firm of Abernathy, Roeder, Boyd & Joplin, P.C. to do all things to effectuate the acquisition or condemnation.
- S. Consider and act upon declaring a necessity and public convenience for the taking, by acquisition or condemnation of 0.5436 acres for a permanent easement located in the William Rogers Survey, Abstract No. 780, in the J.T. Horn Survey, Abstract No. 418, and in the H. Moss Survey, Abstract No. 635, City of Frisco, Collin County, Texas and authorizing the law firm of Abernathy, Roeder, Boyd & Joplin, P.C. to do all things to effectuate the acquisition or condemnation.

Richard Abernathy recommended the City Council recess into Closed Session as authorized by T.G.C. § 551.071 private consultation with the attorney for the City. Following discussion, Council member Maso moved to recess into Closed Session at 7:07 p.m. Council member Simpson seconded the motion. Motion carried. Vote: 6-0.

Council member Simpson moved to reconvene into regular session at 7:25 p.m. Council member Maso seconded the motion. Motion carried. Vote: 6-0.

Mayor Pro Tem Reveal made a motion to pass on these items until later in the meeting. Council member Simpson seconded the motion. Motion carried. Vote 6-0.

Following discussion of Agenda Item No. 30 alignment of El Dorado Parkway, the council resumed discussion of the above referenced items.

After lengthy discussion, Mayor Pro-Tem Reveal moved to approve the above items subject to:

The authorization of payment of \$487,000 to Baxter Brinkman for two (2) right-of-deeds, one (1) drainage easement and seven (7) temporary construction easements, all conforming to the modified alignment of El Dorado Parkway, including the acquisition of an easement on the west side of Preston Road which may move to the east side of Preston Road (originally approved as public necessity), in return, the City of Frisco will relinquish an easement that is has in its possession, subject to review and approval by Travis Roberts.

Deputy Mayor Pro-Tem Downey seconded the motion. Motion carried. Vote: 6-0.

*END OF CONSENT AGENDA*

**8. Legislative Agenda**

The Legislative Agenda was considered for approval. Mayor Pro-Tem Reveal moved to pull items A, B, and C. Council member Simpson seconded the motion. Motion carried. Vote: 6-0.

Mayor Pro-Tem Reveal moved to approve the Legislative Agenda, excluding Items A, B, and C. Council member Simpson seconded the motion. Motion carried. Vote: 6-0.

**A. Consider and act upon adoption of an Ordinance amending Ordinance Nos. 00-04-10 and 00-08-17, extending temporary suspension of acceptance of applications for building permits, preliminary and/or final plats, preliminary and/or final site plans or issuance of building permits in the Downtown District.**

Following discussion, Council member Simpson moved to adopt **Ordinance 00-10-15** therein amending Ordinance Nos. 00-04-10 and 00-08-17, extending temporary suspension of acceptance of applications for building permits, preliminary and/or final plats, preliminary and/or final site plans or issuance of building permits in the Downtown District. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

**B. Consider and act upon adoption of an Ordinance amending Ordinance Nos. 00-05-19 and 00-08-18, extending temporary suspension of acceptance of applications for preliminary and/or final plats, preliminary and/or final site plans, zoning, concept plans and replats for properties zoned Multi-Family.**

Following discussion, Council member Osuna moved to adopt **Ordinance 00-10-16** therein amending Ordinance Nos. 00-05-19 and 00-08-18, extending temporary suspension of acceptance of applications for preliminary and/or final plats,

preliminary and/or final site plans, zoning, concept plans and replats for properties zoned Multi-Family. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

**C. Consider and act upon approval of a Revised Preliminary Site Plan: Lowe's Addition Block A, Lots 6, 7, & 8. Applicant(s): Qwik Wash-America and Frisco Bridges, LLP. Two retail buildings and a full service car wash with lube center on three lots on 4.8+ acres on the east side of Preston Road, 112+ feet north of Gaylord Parkway. Zoned Commercial-1. Neighborhood #29.**

Following discussion, Council member Osuna moved to approve the Revised Preliminary Site Plan: Lowe's Addition Block A, Lots 6, 7, & 8. Applicant(s): Qwik Wash-America and Frisco Bridges, LLP. Two retail buildings and a full service car wash with lube center. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

- D. Consider and act upon approval of Change Order No. 1 for the Drainage Retention Study/Main (FM720) Street.
- E. Consider and act upon approval of Change Order No. 3/Project #3 Lebanon, Section 1 and Parkwood.

*END OF LEGISLATIVE AGENDA*

**Regular Agenda:**

Each item on the Regular Agenda was considered separately.

**9. Discussion regarding swimming pool use and facilities**

Discussion regarding swimming pool use and facilities and possible need for year-round facility. Joann Junker was present to address the council regarding fees currently charged the swim team for use of the CCCCD Natatorium. She (Junker) requested the Council eliminate the fees and consider the construction of additional natatorium.

Council member Simpson suggested that all fee structures be fair for all sports activities.

Following discussion, Staff was instructed to prepare an analysis using data for fees/costs associated with soccer teams/fields, baseball teams/fields, football teams/fields, etc. versus the fees/costs for providing natatorium, etc. for swim team.

**10. Zoning Case SUP2000-29. Applicant(s): Frisco EZ Storage, L.L.C. Request for a Specific Use Permit (SUP) for a Self-Storage/Mini-Warehouse on 5.5± acres on the south side of Stonebrook Parkway, 600± feet west of Woodstream Drive. Zoned Commercial-1. Consider and act to instruct staff to prepare an ordinance on the above request. Neighborhood #23. Tabled at the City Council Meeting on October 3, 2000.**

Council member Nichols moved to remove the item from table. Council member Simpson seconded the motion. Motion carried. Vote: 6-0.

Kirk Williams, representing the applicant, was present to address the council requesting their approval of the request.

Mayor Seei asked those in the audience that were either for or against the request to stand. Approximately six individuals in favor of the SUP with restrictions stood. Approximately 11 other stood that were against the request.

Paul Vasinda, made a PowerPoint presentation. He spoke against the request.

Also present to speak against the request were: Wade Gardner, Jamie Spears, Richard England, Mike Gott, Vince Barnes, Patrick Smith, and Mike Ottensman.

Those to speak for or undecided were: Tony Felker, Bryan Teichgraeber and Mike Osborn.

Council member Nichols moved to recess for a short break at 9:00 p.m. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Council member Osuna moved to reconvene at 9:23 p.m. Council member Maso seconded the motion. Motion carried. Vote: 6-0.

Following lengthy discussion, Council member Simpson moved to approve the request with stipulations. Council member Osuna seconded the motion. Voting Aye: Deputy Mayor Pro-Tem Downey, Council member Maso, Council member Osuna, and Council member Simpson. Voting Nay: Mayor Pro-Tem Reveal and Council member Nichols. Vote: 4-2. The motion did not carry the  $\frac{3}{4}$  vote required to overrule the Planning & Zoning Commission's recommendations of denial.

Following more discussion, Mayor Pro-Tem Reveal moved to **table** the request. Council member Osuna seconded the motion. Motion carried. Vote: 6-0.

**11. Consider and act upon approval of a Concept Plan, Preliminary Site Plan, and Conveyance Plat: Frisco EZ Storage, Block A, Lots 1-5. Applicant(s): Frisco EZ Storage, L.L.C. Four (4) office buildings and a self-storage/mini-warehouse on 11.0+ acres on the southwest corner of Woodstream Drive and Stonebrook Parkway. Zoned Commercial-1. Requested zoning is Commercial-1 with a SUP for Self-Storage/Mini-Warehouse. Neighborhood #23. Tabled at the City Council Meeting on October 3, 2000.**

Mayor Pro-Tem Reveal moved to **table** action. Deputy Mayor Pro-Tem Downey seconded the motion. Motion carried. Vote: 6-0.

**12. Discussion regarding upcoming capital projects bond election.**



Discussion regarding the need for a capital projects bond election. Staff was instructed to expand the contract with the future facilities consultant on identifying additional areas of need(s). No formal action was taken.

**13. Discussion on the use of additional tax revenue.**

Harold Bacchus and Don Burkes were present to address the Council voicing concerns that monies were to be appropriated to Preston Road rather than the downtown area. Mr. Purefoy reviewed the projects that have recently been completed for the downtown area. He stated that the plans for Main Street from the DNT to the railroad are to be completed by the end of the month. Staff was instructed to allocate additional tax revenue as listed:

1. \$900,000 for Preston Road Overlay
2. \$100,000 for affordable housing.

**14. Discussion regarding Preston Road Overlay implementation plan.**

John Lettelleir, Director of Planning, addressed the Council regarding RTKL's proposal for the implementation of the Preston Road Overlay District. Following discussion, staff was instructed to meet with RTKL and bring back their recommendations at a later date.

**15. Public Hearing /Second Hearing: Consideration of annexation of a tract of land situated in the James S. Ogden Survey, Abstract No. 980, Denton County, Texas containing 440.950 acres, more or less. Requested by Bert Fields (Case A2000-10).**

Council member Simpson moved to open the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

There being no one present to speak for or against the request, Mayor Pro-Tem Reveal moved to close the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

Nan Parker, City Secretary, stated the property is within the City's ETJ, is contiguous to the existing city limits and is eligible for annexation. The service plans were available for public inspection.

**16. Public Hearing/First Hearing: Consideration of annexation of a tract of land situated in the Thomas J. Jamison Survey, Abstract No. 481, Collin County, Texas containing 35.0 acres, more or less. The property is located at the southeast corner of Preston Road (SH289) and SH 380. Requested by Bear Trap Partnership. (Case A2000-11)**

Council member Simpson moved to open the public hearing. Council member Maso seconded the motion. Motion carried. Vote: 6-0.

There being no present to speak for or against the request, Council member Nichols moved to close the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Nan Parker, City Secretary, stated the property is within the City's ETJ, is contiguous to the existing city limits and is eligible for annexation. The service plans were available for public inspection.

**17. Public Hearing/First Hearing: Consideration of annexation of a tract of land situated in the German Emigration Company Survey, Abstract No. 358, Collin County, Texas containing 24.616 acres, more or less. The property is located at the southeast corner of the future Tollway and SH 380. Requested by Bear Trap Partnership. (Case A2000-12)**

Council member Maso moved to open the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

There being no present to speak for or against the request, Mayor Pro-Tem Reveal moved to close the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

Nan Parker, City Secretary, stated the property is within the City's ETJ, is contiguous to the existing city limits and is eligible for annexation. The service plans were available for public inspection.

**18. Consider and act upon adoption of an Ordinance zoning 611.64 acres to Planned Development-Single Family-5/Retail (PD-SF5/R). (Grayhawk – Z2000-33)**

John Lettelleir reviewed the ordinance with Council. Warren Corwin addressed the Council requesting their approval of the ordinance.

Following discussion, Council member Simpson moved to adopt **Ordinance No. 00-10-17** subject to:

1. City Engineer approval of a waiver to the requirement for alleys.
2. City Council approval of a variance for the temporary overlength street.
3. Construction of a street to Panther Creek Parkway and construction of the south side of Panther Creek Parkway to F.M. 423 with the development of any property north of the centralized open space feature and lakes.
4. Construction of the south side of Panther Creek Parkway adjacent to Phases VII and VIII and the west side of Teel Parkway adjacent to Phase VIII with the development of the adjacent phase.
5. Concurrent City final acceptance of Phase I and Phase II to provide two points of access and to prevent a street from exceeding the maximum length.

Deputy Mayor Pro-Tem Downey seconded the motion. Voting Aye: Council member

Simpson, Council member Maso, Deputy Mayor Pro-Tem Downey. Voting Nay: Council member Osuna, Council member Nichols and Mayor Pro-Tem Reveal. Mayor Seei broke the tie, voting aye. Motion carried. (4-3).

**19. Consider and act upon approval of a Preliminary Plat: Grayhawk – Phases I - X. Applicant(s): Eldorado Ranch, Ltd. and Corwin Engineering. 1147 Single-Family lots and 12 open space lots on 364.3± acres on the north side of Eldorado Parkway, 1,400+ feet east of F.M. 423. Zoned Single-Family-4 and Agricultural.**

John Lettelleir updated the Council on the staff and the Planning & Zoning Commission's recommendations.

Following discussion, Council member Maso moved to approve the Preliminary Plat of Grayhawk, Phases I-X as submitted. Council member Osuna seconded the motion. Motion carried. Vote: 6-0.

**20. Public Hearing: Zoning Case SUP2000-34 Applicant(s): SPC NEC 121, LTD & Outback Steakhouse Request for a Special Use Permit (SUP) for a Private Club to serve alcoholic beverages in conjunction with the operation of a Outback Steak House restaurant on one lot on 1.7± acres on the north side of S.H. 121, 1,150± feet east of Preston Road. Zoned Highway.**

Council member Nichols moved to open the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

John Lettelleir updated the Council on the staff and the Planning & Zoning Commission's recommendations.

There being no one else present to speak for or against the request, Mayor Pro-Tem Reveal moved to close the public hearing. Council member Maso seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Mayor Pro-Tem Reveal moved to approve the request subject to the final adoption of the ordinance. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

**21. Consider and act upon approval of a Final Plat & Site Plan: Mixon Addition , Block A, Lot 11. Applicant(s): SPC NEC 121, LTD & Outback Steakhouse A restaurant on one lot on 1.7± acres on the north side of S.H. 121 1,150± feet east of Preston Road. Zoned Highway. Requested zoning is Highway with a SUP for a Private Club. Neighborhood #29.**

John Lettelleir updated the Council on the staff and the Planning & Zoning Commission's recommendations.

Following discussion, Mayor Pro-Tem Reveal moved to approve the Final Plat & Site Plan: Mixon Addition, Block A, Lot 11 as submitted. Council member Nichols seconded

the motion. Motion carried. Vote: 6-0.

**22. Consider and act upon Assessment of Impact Fees Mixon Addition, Block A, Lot 11.**

Council member Osuna moved to approve the assessment of impact fees of Mixon Addition, Block A, Lot 11. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

**23. Public Hearing: Specific Use Permit SUP2000-35 Applicant(s): Briar Preston Ridge Partners, L.P. and Tin Star Management, LLC A request for a Specific Use Permit for a Private Club on 0.1± acre located 500± feet south of Warren Parkway, 60± feet west of Preston Road. Zoned Planned Development-25.**

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

There being no present to speak for or against the request, Mayor Pro-Tem Reveal moved to close the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Mayor Pro-Tem Reveal moved to approve the request subject to adoption of the ordinance. Council member Simpson seconded the motion. Motion carried. Vote: 6-0.

**24. Public Hearing: Specific Use Permit SUP2000-36 Applicant(s): Briar Preston Ridge Partners, L.P. and Cotton Patch Café, Inc. A request for a Specific Use Permit for a Private Club on 0.1± acre located 475± feet north of Gaylord Parkway, 700± feet west of Preston Road. Zoned Planned Development-25.**

Council member Nichols moved to open the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

John Lettelleir updated the Council on the staff and the Planning & Zoning Commission's recommendations.

There being no present to speak for or against the request, Council member Maso moved to close the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

Mayor Pro-Tem Reveal moved to approve the request subject to adoption of the ordinance. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

**25. Public Hearing: Zoning Case Z2000-50 Applicant(s): Strawn Merchandise, Inc. and Hertz Rental Company A request to rezone 2.5+ acres from Agricultural to Highway on the north side of C.R. 112 at S.H. 121.**

Council member Nichols moved to open the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

John Lettelleir updated the Council on the staff and the Planning & Zoning Commission's recommendations.

Michael Peoples, representing Strawn Merchandise was present to address the Council.

There being no one else present to speak for or against the request, Council member Nichols moved to close the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Mayor Pro-Tem Reveal moved to approve the request as submitted. Council member Nichols seconded the motion. Motion carried. Vote: 6-0. Staff was instructed to prepare an ordinance for adoption at a later date.

**26. Public Hearing: Specific Use Permit SUP2000-37 Applicant(s): Strawn Merchandise, Inc. and Hertz Rental Company A request for a Specific Use Permit for Outside Storage on 2.5± acres on the north side of C.R. 112 at S.H. 121. Zoned Agricultural. Requested zoning is Highway.**

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Simpson seconded the motion. Motion carried. Vote: 6-0.

John Lettelleir updated the Council on the staff and the Planning & Zoning Commission's recommendations.

There being no present to speak for or against the request, Council member Maso moved to close the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Mayor Pro-Tem Reveal moved to approve the request subject to:

1. City Council approval of Zoning Case Z2000-50
2. A thirty-foot (30') landscape edge shall be provided adjacent to and outside of the future S.H. 121 right-of-way. A minimum of one (1) three-inch (3") caliper tree per twenty-five (25') feet of linear frontage and a minimum of fifteen (15) five (5) gallon shrubs per twenty-five (25') feet of linear frontage shall be planted in the landscape edge.
3. Evergreen conifer type trees shall be planted in an offset pattern with a maximum spacing of eight (8') feet on-center on all sides of the storage area.
4. All equipment and other outdoor storage or displays shall be screened from the view of S.H. 121 and adjacent properties by the evergreen trees.
5. All landscaping shall be installed within one year from the date of City Council approval of the ordinance.

Council member Simpson seconded the motion. Motion carried. Vote: 6-0.

**27. Public Hearing: Zoning Case Z2000-54. Applicant(s): City of Frisco. A request to rezone 108.2+ acres from Neighborhood Service (2.4+ acres), Townhouse (77.7+ acres), & Single-Family-2 (26.8+ acres) to the appropriate Single-Family zoning category.**

Council member Nichols moved to open the public hearing. Council member Maso seconded the motion. Motion carried. Vote: 6-0.

John Lettelleir updated the Council on the staff and the Planning & Zoning Commission's recommendations.

There being no present to speak for or against the request, Mayor Pro-Tem Reveal moved to close the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Council member Simpson moved to approve the request subject to the adoption of the ordinance. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

**28. Public Hearing: Zoning Case Z2000-52. Applicant(s): City of Frisco. A request to amend the Comprehensive Zoning Ordinance regarding building heights**

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

John Lettelleir updated the Council on the staff and the Planning & Zoning Commission's recommendations.

There being no present to speak for or against the request, Mayor Pro-Tem Reveal moved to close the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

Mayor Pro-Tem Reveal moved to approve the request subject to:

- |            |  |
|------------|--|
| Section 9  | A - Agricultural District                          |
| 9.3 (D)    | Maximum Height - 2 stories no greater than 40 feet |
| Section 10 | RE - Residential Estate District                   |
| 10.3 (D)   | Maximum Height - 2 stories no greater than 40 feet |
| Section 11 | SF-1 - Single-Family-1 District                    |
| 11.3 (D)   | Maximum Height - 2 stories no greater than 40 feet |
| Section 12 | SF-2 - Single-Family-2 District                    |
| 12.3 (D)   | Maximum Height - 2 stories no greater than 40 feet |
| Section 13 | SF-3 - Single-Family-3 District                    |

13.3 (D)	Maximum Height - 2 stories no greater than 40 feet
Section 14	SF-4 - Single-Family-4 District
14.3 (D)	Maximum Height - 2 stories no greater than 40 feet
Section 15	SF-5 - Single-Family-5 District
15.3 (D)	Maximum Height - 2 stories no greater than 40 feet
Section 16	SF-6 - Single-Family-6 District
16.3 (D)	Maximum Height - 2 stories no greater than 40 feet
Section 17	PH - Patio Home District
17.3 (A)	Maximum Height - 2 stories no greater than 40 feet
Section 18	TH - Townhome District
18.3	Maximum Height - 2 stories no greater than 40 feet
Section 19	2F - Two-Family Residential District (Duplex)
19.3 (D)	Maximum Height - 2 stories no greater than 40 feet
Section 20	MF-1 - Multi-Family-1 District
20.3 (E)	Maximum Height - 2 stories no greater than 40 feet
Section 21	MF-2 - Multi-Family-2 District
21.3 (E)	Maximum Height - 3 stories no greater than 50 feet
Section 22	MH - Mobile Home District
22.3 (G)	Maximum Height - 1 story no greater than 20 feet
Section 23	O-1 - Office-1 District
23.3 (C)	Maximum Height - 1 story no greater than 30 feet (2 stories no greater than 40 feet within 60 feet from a property zoned or developed as Single-Family)
Section 24	O-2 - Office-2 District
24.3 (C)	Maximum Height - No maximum
Section 25	NS - Neighborhood Services District
25.3 (C)	Maximum Height - 1 story no greater than 30 feet
Section 26	R - Retail District
26.3 (C)	Maximum Height - 2 stories no greater than 40 feet
Section 27	OT - Original Town District
27.3 (C)	Maximum Height - 2 stories no greater than 40 feet
Section 28	C-1 - Commercial-1 District
28.3 (C)	Maximum Height - 2 stories no greater than 40 feet
Section 29	C-2 - Commercial-2 District
29.3 (C)	Maximum Height - 2 stories no greater than 40 feet

- Section 30 H - Highway District  
30.3 (C) Maximum Height - No maximum, but height is limited to 2 stories no greater than 40 feet within 200 feet of property zoned or developed as Single-Family or Two-Family
- Section 31-1 CO - Corporate Office District  
31-1.3 (D) Maximum Height - No maximum
- Section 31-2 IT - Information & Technology District  
31-2.3 (D) Maximum Height - 12 stories no greater than 175 feet
- Section 32 I - Industrial District  
32.3 (C) Maximum Height - No maximum
- Section 40 Definitions

BUILDING HEIGHT - The vertical distance between the average of the highest and lowest points of grade of that portion of the lot covered by the building to the highest point of a structure.

Section 36 Special and Additional Supplementary Regulations

36.5 Special Height Regulations

- A. Water stand pipes and tanks, church steeples, domes, and spires, school buildings, and institutional buildings may be erected to exceed three (3) stories in height, provided that one (1) additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed three (3) stories.
- B. Ornamental features in all non-residential zoning districts may exceed the maximum building height provided that the ornamental feature does not contain floor area and provided the required setbacks for the ornamental feature are increased by two (2) feet for every one (1) foot that the ornamental feature exceeds the maximum height. Ornamental features shall be defined as towers, spires, steeples, and cupolas.

Council member Maso seconded the motion. Motion carried. Vote: 6-0. Staff was instructed to prepare an ordinance.

**29. Consider and act upon purchase of real property (Fannin) located approximately 2000 feet north of SH 121 between Custer Road and future Independence and adopt Resolution authorizing City Manager to take all action necessary to effectuate the acquisition of real property.**

Council member Osuna moved to adopt **Resolution No. 00-10-18R** therein authorizing the purchase of real property from Mike Fannin, property being located approximately 2000 feet north of SH 121 between Custer Road and future Independence Parkway and authorize the City Manager to execute documents as required. Council member impson seconded the motion. Motion carried. Vote: 6-0.



**30. Discussion regarding the El Dorado alignment.**

Travis Roberts updated the Council on the proposed alignment of ElDorado Parkway and the effect the construction will have on existing trees.

Discussion only, no formal action was taken.

**31. Governance Agenda**

Jason Gray, Assistant to the City Manager updated the Council on the following:

Policy Title: Ends Developing Process:  
Discussion regarding future end points to be developed.  
Discussion regarding implementation of priority projects.  
Discussion regarding Planning work projects.

Discussion regarding proactively prioritizing items as discussed during the 2000 City Council Retreat.

**32. Future Agenda Items**

Discussion regarding future agenda items as listed:

- A. Discussion regarding districting.
- B. Discussion regarding revisions to the Charter.

**33. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code.**

Council member Osuna moved to recess into Closed Session at 1:40 a.m. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

**34. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.**

Council member Nichols moved to reconvene into Regular Session at 1:55 a.m. Council member Maso seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Council member Osuna moved to authorize the City Manager to enter into a contract to purchase two pieces of real property. Council member Maso seconded the motion. Motion carried. Vote: 6-0.

**35. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.**

City Council discussion as a result of items on the agenda:

Process for amending Charter.  
Timeline for priority items.  
Attendance of board members (reports)  
E-Z Storage on 11/7/00 agenda  
Executive Session on 11/7/00 agenda regarding multi-family.  
Affordable housing program, survey, check with counties  
Smoking ordinance public hearing and adoption of the ordinance on 11/17/00  
Bike trail across FM 720 (west not possible) check on east of SH 289  
Marketing of Stonebrook property (Computrac's land) by the FEDC  
Expansion of contract with projects consultant and identification of bond process for additional citizen participation  
Natatorium fees. Rick Wieland to review.  
Recommendation for the implementation of the Preston Road Overlay District  
Disclosure form for board/council applicants, discretionary contracts, etc.

**36. Discussion on Governance's Monitoring of present City Council Meeting.**

Council member Simpson stated he would like to have the meetings end before 2:00 a.m. The general consensus of the Council to make the meetings shorter. The Council discussed meeting with other city council members at the TML Convention. Discussion only, no formal action was taken.

**37. Adjourn.**

There being no additional business, Council member Simpson moved to adjourn at 2:10 a.m. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

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Kathleen A. Seei, Mayor

ATTEST:

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Nan Parker, City Secretary

**SPECIAL CALLED CITY COUNCIL MEETING  
FRISCO CITY HALL  
6891 MAIN STREET  
CONFERENCE ROOM "B"  
FRISCO, TEXAS 75034  
OCTOBER 27, 2000, 6:30 P.M.**

**AGENDA**

**1. Call to Order/Roll Call**

Mayor Seei called the meeting to order at 6:30 P.M. and announced a quorum was present.

Those present were: Mayor Seei, Mayor Pro Tem Reveal, Councilmember Osuna, Councilmember Maso, Councilmember Nichols

Those absent were: Deputy Mayor Pro Tem Downey and Councilmember Simpson.

Staff present: George Purefoy, City Manager, Jason Gray, Assistant to the City Manger, Richard Abernathy, City Attorney and Nan Parker, City Secretary.

**2 Invocation**

Mayor Seei delivered the invocation.

**3. Consider and act upon matters relating to local option election(s)**

Council recessed into closed session at 6:35 P.M. There was no discussion in open session. See item #5.

**4. Discussion concerning upcoming legislative session including but not limited to roads, annexation, sale of alcoholic beverages, rapid transit, development districts, uses for the one-half cents sales tax revenues**

Mayor Seei gave an update on:

1. TEX-21 resolutions at TML.
2. Annexations; sale of alcoholic beverages, rapid transit, development districts, uses of ½ cents sales tax revenues to be part of legislation.

**5. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code**

Councilmember Maso moved to recess into Closed Session at 6:35 P.M. Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 4-0.

**6. Reconvene into Regular Session and take any action necessary as a result of the Closed Session**

Councilmember Maso moved to reconvene into Regular Session at 7:15 P.M. Councilmember Nichols seconded the motion. Motion carried. Vote: 4-0. No action was taken as a result of the Closed Session.

**7. Adjourn**

Councilmember Maso moved to adjourn the meeting at 7:15 P.M. Councilmember Osuna seconded the motion.

Mayor Pro Tem Reveal moved to reopen the meeting at 7:20 P.M. to discuss item #4. Councilmember Nichols seconded the motion. Motion carried. Vote: 4-0.

There being no additional business, Mayor Pro Tem Reveal moved to adjourn the meeting at 8:00 P.M. Councilmember Nichols seconded the motion. Motion carried. Vote: 4-0.

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Kathleen A. Seei, Mayor

ATTEST:

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Nan Parker, City Secretary